



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,747	10/22/2003	Koichi Maari		3983
7590	09/13/2005		EXAMINER	
Jay H. Maioli Cooper & Dunham 1185 Avenue of the Americas New York, NY 10036			CHEUNG, MARY DA ZHI WANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/690,747	MAARI, KOICHI
	Examiner Mary Cheung	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 July 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 38-49 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 38-49 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
---	---

DETAILED ACTION

Status of the Claims

1. This action is in response to the amendment filed on July 1, 2005. Claims 38-49 are pending. Claims 38 and 44 are amended.

Response to Arguments

2. Applicant's arguments filed July 1, 2005 have been fully considered but they are not persuasive.

In response to the applicant's arguments that Ginter (U. S. Patent 5,892,900) fails to teach a portable reproduction apparatus, Ginter teaches portable reproduction apparatus numerous times, such as at column 48 lines 28-33 and column 168 lines 10-25 and column 254 lines 5-23.

The applicant argues that Ginter fails to teach receiving the content from the content server in response to a request from a user for the content. Examiner believes that Ginter teaches transmitting a request from a user fro the content (column 248 lines 25-27), and but does not specifically teach receiving the content from the content server in response to a request from a user for the content. However, it would have been obvious to one of ordinary skill in the art to allow the receiving steps in Ginter's teaching to be processed in response to transmitting request from the user for content so that senders would know when to transmit the requested information (see claim 38 below).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 38-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al., U. S. Patent 5,892,900.

As to claims 38-39, 42, 44-45 and 48-49, Ginter teaches a method and an apparatus to transmitting a request from a user for the content including content specifying information to a content server (column 248 lines 25-27), receiving a content transmitted from the content server (*VDE Content Creator 102 of Fig. 2*), receiving the content key and the use condition transmitted from an administration center (*VDE Right Distributor 106 of Fig. 2*), transmitting the content to the portable reproduction apparatus (*VDE Content User 112 of Fig. 2 and column 48 lines 28-33 and column 168 lines 10-25 and column 254 lines 5-23*), and transmitting the content key and the use condition to the reproduction apparatus (column 48 lines 28-33 and column 56 line 6-29 and column 57 line 56 – column 58 line 12 and column 59 lines 42-54 and Figs. 2, 5B; specifically, “content key and the use condition” corresponds to rules and controls in Ginter’s teaching).

Ginter does not specifically teach that the receiving steps as discussed above are in response to transmitting request from the user for content. However, it would have been obvious to one of ordinary skill in the art to allow the receiving steps in Ginter’s teaching to be processed in response to transmitting request from the user for content so that senders would know when to transmit the requested information.

Ginter does not specifically teach the content are received from the content server, the content are transmitted to the reproduction apparatus, and the content key and the usage condition are encrypted. However, Ginter teaches secure processing unit (SPU) is presented to each communication node for providing encryption and decryption process (column 48 line 64 – column 49 line 12 and column 190 lines 26-27 and Figs. 7, 9). It would have been obvious to one of ordinary skill in the art to allow the content are received from the content server, the content are transmitted to the reproduction apparatus, and the content key and the usage condition in Ginter's teaching to be encrypted for better preventing unauthorized access of sensitive information.

As to claims 40 and 46, Ginter teaches the information related to contents includes metadata of the contents (column 284 lines 15-21).

As to claims 41 and 47, Ginter teaches a content ID is added to the content and the use condition includes the content ID corresponding to the content that the reproduction apparatus authorized use accordance with the use condition (column 58 line 22 – column 59 line 6 and column 205 lines 14-20 and column 322 lines 50-63).

As to claim 43, the modified teaching of Ginter as discussed in claim 38 above further teaches the step of decrypting the encrypted content key (column 48 line 64 – column 49 line 12 and column 59 lines 50-54 and column 190 lines 25-26 and Figs. 7, 9).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300 (Official Communications; including After Final
Communications labeled "BOX AF")
(571) 273-6705 (Draft Communications)

Mary Cheung
Primary Examiner
Art Unit 3621
September 7, 2005

MARY D. CHEUNG
PRIMARY EXAMINER

